तात्काळ

क्र.:-भाप्रसे-११०८/प्र.क्र.४६/२००८/सेनिक,
सामान्य प्रशासन विभाग,
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक : १५.०९.२००९.

अखिल भारतीय सेवेतील भारतीय प्रशासन सेवा, भारतीय पोलीस सेवा व भारतीय वन सेवेतील निवृत्तीवेतनधारक / कुटुंबनिवृत्तीवेतनधारकांसंबंधाने केंद्र शासनाची खाली नमूद केलेली कार्यालयीन ज्ञापने आपल्या माहिती व उचित कार्यवाहीसाठी अग्रेषित :-

अ.क्र.	कार्यालयीन ज्ञापन क्रमांक	विषय
१	**F.No.38/37/08-P&PW(A),** Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Pension & Pensioner's Welfare, **dated 18.05.2009.**	Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission - Revision of pension of pensioners / family pensioners etc.
२	**F.No.38/37/08-P&PW(A),** Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Pension & Pensioner's Welfare, **dated 11.08.2009.**	Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission - Revision of pension of pre-2006 pensioners / family pensioners etc.
३	**F.No.38/37/08-P&PW(A).pt.1,** Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Pension & Pensioner's Welfare, **dated 20.08.2009.**	Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission - Revision of pension of pre-2006 pensioners / family pensioners etc.
४	**O.M.No.38/48/09-P&PW(A),** Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Pension & Pensioner's Welfare, **dated 27.08.2009.**	O.A. No.504 of 2009 filed in the Central Administrative Tribunal, Ernakulam Bench - Grant of additional pension on attaining the age of 80 years regarding.

सदरील पृष्ठांकन हे महाराष्ट्र शासनाच्या वेबसाईटवर उपलब्ध करण्यात आले असून त्याचा संगणक संकेतांक क्रमांक २००९०९१५१३४०५२००१ असा आहे.

(रो.स.भालेकर)
अवर सचिव, महाराष्ट्र शासन

प्रत,

१. अधिदान व लेखा अधिकारी, वांद्रे, मुंबई,
२. वरिष्ठ कोषागार अधिकारी, पुणे / नागपूर / औरंगाबाद / नाशिक,
३. सर्व जिल्हा कोषागार अधिकारी,
४. संचालक, लेखा व कोषागारे, मुंबई,
५. निवासी लेखा परीक्षा अधिकारी, मुंबई,
६. महालेखापाल (लेखा व अनुज्ञेयता) महाराष्ट्र-१, मुंबई,
७. महालेखापाल (लेखा व अनुज्ञेयता), महाराष्ट्र-२, नागपूर,
८. महालेखापाल (लेखापरीक्षा), महाराष्ट्र-१, मुंबई,
९. महालेखापाल (लेखापरीक्षा), महाराष्ट्र-२, नागपूर,
१०. मुख्य लेखा परीक्षक, स्थानिक निधी लेखा, कोकण भवन, वाशी, नवी मुंबई,
११. वित्त विभाग / सेवा-४, अर्थसंकल्प-२५, व्यय-४,
१२. गृह विभाग, मंत्रालय, मुंबई,
१३. महसूल व वन विभाग, मंत्रालय, मुंबई,
१४. महासंचालक आणि पोलिस महानिरीक्षक, महाराष्ट्र शासन, मुंबई,
१५. प्रधान मुख्य वन संरक्षक, महाराष्ट्र शासन, पुणे,
१६. मा. राज्यपालांचे सचिव,
१७. मा. मुख्यमंत्र्यांचे सचिव,
१८. सचिव, का. व प्र. लोकशिकायत व नि.वे.मंत्रालय, नवी दिल्ली,
१९. विशेष आयुक्त, महाराष्ट्र सदन, कोपर्निकस रोड, नवी दिल्ली,
२०. संचालक, माहिती व जनसंपर्क विभाग, मंत्रालय, मुंबई,
२१. साप्रवि कार्या - ९, १०, ११-अ, २६,
२२. निवड नस्ती (९-अ),
२३. मंत्रालयातील सर्व विभाग.

रोटा/एच-१६२९[५००-९-२००९]-१

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F.No.38/37/08-P&PW(A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners' Welfare
Lok Nayak Bhawan, New Delhi-110003

Dated the 18th May, 2009.

OFFICE MEMORANDUM

Sub: Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission Revision of pension of pensioners/family pensioners etc.

The undersigned is directed to say that in pursuance of Government's decision on the recommendations of Sixth Central Pay Commission, orders for revision of pension/ family pension of all the pre-2006 pensioners/ family pensioners were issued vide this Department's O.M. No. 38/37/08-P&PW(A) dated 1.9.2008. Similarly, orders were issued vide this Department's O.M. No. 38/37/08-P&PW(A) dated 2.9.2008 for introducing modifications in the rules regulating pension, Retirement/Death/Service Gratuity/Family Pension/ disability pension and ex-gratia lump-sum compensation

2. References have been received in this Department seeking clarifications on some provisions of the aforesaid O.Ms. The matter has been considered in consultation with the Ministry of Finance, Department of Expenditure and the following clarifications are issued in this regard:

S. No.	Point raised	Clarification
1	**OM dated 1.9.2008** Whether the family pension in respect of existing pensioners in whose case the family pension has not come into operation as on 1.1.2006 will also be revised?	In respect of existing pensioners in whose case the family pension has not come into operation as on 1.1.2006 as pensioners are/were alive on that date, the family pension (including enhanced family pension wherever applicable) will also be updated in terms of the instructions contained in this Department's OM of even number dt 1.9.08, as clarified from time to time. The updated rates of family pension will apply as and when family pension becomes payable in such cases. Accordingly, where a pensioner has died on or after 1.1.2006, the updated pension (including enhanced family pension wherever applicable) shall become payable to the family pensioner from the date of death of the pensioner.

2	**OM dated 2.9.2008** Whether the arrears of pension of those Government servants who have retired during the period 1.1.06 to 31.8.08 shall also be paid during the years 2008-09 and 2009-10 in the ratio of 40 : 60?	Yes

2. It is impressed upon all the Ministries/Departments of the Government of India to keep in view the above clarifications while disposing of the cases of revision of pension/family pension. They are also advised to dispose the representations received by them from pensioners on the above issues without referring them to this Department.

3. This issues with the concurrence of Ministry of Finance (Department of Expenditure) vide their I.C. U.O. No. 191/EV/2009 dated 14.5.2009.

(M.P. Singh)
Director (PP)
Telefax No.24624802

To

1. All Ministries/Departments of Government of India
2. All Pensioners' Association

Please visit: http://pensionersportal.gov.in

No.38/37/08-P&PW(A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners' Welfare
Lok Nayak Bhawan, New Delhi-110003

Dated the 11th August, 2009.

OFFICE MEMORANDUM

Sub: Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission - Revision of pension of pre-2006 pensioners/family pensioners etc

The undersigned is directed say that in this Department's OM of even number dated 21.5.2009, it was provided that the following documents would be accepted as proof of date of birth/age for payment of additional pension/family pension on completion of 80 years and above:

(i) Pan Card
(ii) Matriculation certificate (containing the information regarding date of birth)
(iii) Passport
(iv) CGHS Card
(v) Driving licence (if it contains date of birth)

2. The matter has been examined further. Considering the difficulty in producing any of the above mentioned documents as proof of age by the old pensioners, particularly those in the rural areas, it has been decided that the Voters' ID Card may also be accepted as proof of date of birth/age for payment of additional pension/family pension on completion of 80 years and above subject to the following conditions:

(i) The pensioner/family pensioner certifies that he is not a matriculate. (The matriculation certificate should be insisted in the case of matriculate pensioners/family pensioners)
(ii) The pensioner certifies that he does not have any of the documents mentioned in para 1 above.

3. The other conditions for acceptance of the documents, as mentioned in the OM dated 21.5.2009, will remain the same.

4. Some doubts have been expressed regarding the date from which the additional pension is to be made effective. In this connection, attention is invited to the clarifications issued vide this Department's O.M. of even number dated 3.10.2008. It is re-iterated that the additional quantum of pension/family pension, would be admissible from the 1st day of the month in which the date of birth falls, only on completion of the age of 80 years, 85 years, etc. (and not in the beginning of the 80th year, 85th year, etc.). All references/representations received in this respect stand disposed off accordingly.

Illustration: If a pensioner/family pensioner's date of birth is 26.1.1930, then he/she will be entitled to the additional quantum of pension on completion of 80 years of age w.e.f. 1.1.2010.

5. It is impressed upon all the Ministries/Departments of the Government of India and the pension disbursing authorities to keep in view the above instructions while disposing of the cases of payment of additional pension/family pension. CGA/CPAO are requested to advise all Pension disbursing/sanctioning authorities to take suitable action in accordance with the above instructions/guidelines and to make suitable entry regarding date of birth in the PPO . Similarly instructions may be issued by Ministry of Defence and Ministry of Railways to their concerned Accounts Department accordingly.

9. This issues with the concurrence of Ministry of Finance (Department of Expenditure) vide their I.C. U.O. No. 261/EV/2009 dated 9.7.2009.

(M.P. Singh)
Director (PP)
Telefax No.24624802

1. All Ministries/ Departments of Government of India
2. As per standard mailing list

Please visit: http://pensionersportal.gov.in

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No.38/37/08-P&PW(A).pt.1
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners' Welfare
Lok Nayak Bhawan, New Delhi-110003

Dated the 20th August, 2009.

OFFICE MEMORANDUM

Sub: Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission Revision of pension of pre-2006 pensioners/family pensioners etc.

The undersigned is directed to say that in pursuance of Government's decision on the recommendations of Sixth Central Pay Commission, sanction of the President was accorded to the regulation, with effect from 1.1.2006, of pension/ family pension of all the pre-2006 pensioners/ family pensioners in the manner indicated in this Department's O.M. No. 38/37/08-P&PW(A) dated 1.9.2008. Clarifications on certain provisions were also issued vide O.M.No. 38/37/08-P&PW(A) pt.I dated 3.10.2008 and 14.10.2008.

2. A concordance table of the pre-1996, pre-2006 and post-2006 pay scales/pay bands was enclosed as Annexure-I of the OM dated 14.10.2008 to facilitate payment of revised pension/family pension in terms of para 4.2 of the OM dated 1.9.2008 (as clarified vide OM dated 3.10.2008) in all cases where fixation of pension under that provision is more beneficial. Ministry of Finance (Department of Expenditure), vide Notification No. 01/01/2008-IC (GSR 527 E) dated 16.7.2009 has notified revised pay scale for pre-revised S-30 scale of pay. Consequently, the entries at Sl. No. 32 in the Table at Annexure-I of this Department's O.M. of even number dated 14.10.2008 shall be substituted by the following:

Sl No	Pay scale w.e.f 1.1.86	Post/Grade and Pay scale w.e.f. 1.1.1996		Name of Pay Band/ scale	Corresponding 6th CPC Pay Bands/scales	Corresponding Grade Pay	Pension* = 50% of sum of min. of PB+GP/ scales	Family Pension** = 30% of sum of min. of PB+GP/ scales
		Grade	Scale					
1	2	3	4	5	6	7	8	9
32	7300-100-7600	S-30	22400-525-24500	HAG	67000-79000	Nil	33500	20100

3. This issues with the concurrence of Ministry of Finance (Department of Expenditure) vide their U.O. No. 284/ EV/2009 dated 10.8.2009.

4. In their application to the employees of the Indian Audit and Accounts Departments, these orders issue in consultation with the Comptroller & Auditor General.

(M.P. Singh)
Director (PP)
Telefax No.24624802

To

All Ministries/ Departments of Government of India

As per Standard Mailing List

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MOST IMMEDIATE/
IMPLEMENTION OF CAT ORDER

OM No. 38/42/09-P&PW(A)
Government of India
Ministry of Personnel Public Grievances and Pensions
Department of Pension and Pensioners Welfare
****

Lok Nayak Bhawan,
Khan Market, New Delhi-110 003
dated 17th August, 2009

OFFICE MEMORANDUM

Subject: OA No. 504 of 2009 filed in the Central Administrative Tribunal, Ernakulam Bench – Grant of additional pension on attaining the age of 80 years regarding

The following Applicants filed OA No. 504 of 2009 in the Central Administrative Tribunal, Ernakulam Bench seeking direction of the hon'ble CAT that the pensioners/family pensioners may be given the additional quantum of pension/family pension, in terms of Department of Pension & PW Resolution No. 38/37/08-P&PW(A) dated 29.8.2008, O.M. No. 38/37/08-P&PW(A) dated 1.9.2008 and O.M. No. 38/37/08-P&PW(A) (pt. I) dated 3.10.2008, just after their completion of the age of 79 years:

1. Southern Railway Pensioners Association, Gopalan Vaidyar's Compound, Tileri Road, Bolar, Mangalore.
2. Shri K. Gopal Shenoy, Retired Wireless Inspector (Railways), Old Canara Bank Building, Padavinagadi, Konchady Post, Mangalore
3. Kamalaksha, Retired Railway Trollyman, Nadukar House, Kalnad Village, Kasaragod District-671217

2. The Central Administrative Tribunal, Ernakulam Bench, in its Order dated 28.7.2009 disposed of the above OA with the following advice to the Secretary, Department of Pension & Pensioners Welfare:

> *"To consider the representations at Annexures A-4 to A-6 along with the grounds raised in the OA and pass a suitable order within a period of two months from the date of communication of this order."*

3. In compliance of the above advice of the Hon'ble CAT, the representations at Annexure A-4 to A-6 and the grounds raised in para 5 of the OA No. 504 of 2009 have been examined in the Department of Pension & Pensioners Welfare.

4. The thrust of the argument made in the representations/OA is that a person attains the age of 80 years on completion of the age of 79 years and, therefore, the additional quantum of pension available on attaining the age of 80 years should be paid immediately on completion of the age of 79 years.

5. The above argument of the Applicants is on account of misinterpretation of the meaning of the phrase "attaining the age of". The position in the Rules regulating the

service conditions of the Government servants in this respect is well settled. In accordance with Rule 56 of the Fundamental Rules applicable to the Government servants, a Government servant retires from service on the afternoon of the last day of the month in which he attains the age of 60 years. Accordingly, a Government servant retires on the afternoon of the last day of the month in which he completes the age of 60 years and not in the month in which he completes the age of 59 years. On this analogy, the additional pension/family pension on attaining the age of 80 years has to be paid only after the pensioner completes the age of 80 years and not after he completes the age of 79 years.

6. In para 5(M) of the OA, the Applicants have referred to the Venkataramani Iyer's Law laxicon with Legal Maxims (Reprint 1991) according to which a person attains the age of 21 years "on the day preceding the anniversary of his 21st Birthday". In terms of this definition itself, a person born on 5.4.1988 attains the age of 21 years on 4.4.2009 and not on 5.4.2008.

7. It is clear from the above that a person attains the age of 80 years only when he completes the age of 80 years and not when he completes the age of 79 years. However, for the sake of convenience, it has been provided in the orders issued by this Department that the additional quantum of pension/family pension, on attaining the age of 80 years and above, would be admissible from the 1st day of the month in which the date of birth falls..

8. In the light of the foregoing, the request of the Applicants for payment of the additional quantum of pension available on attaining the age of 80 years immediately on completion of the age of 79 years is not agreed to.

9. This issues with the approval of Secretary, Department of Pension & Pensioners Welfare.

(M.P.Singh)
Director (PP)

1. Secretary, Southern Railway Pensioners Association, Gopalan Vaidyar's Compound, Tileri Road, Bolar, Mangalore.
2. Shri K. Gopal Shenoy, Retired Wireless Inspector (Railways), Old Canara Bank Building, Padavinagadi, Konchady Post, Mangalore
3. Kamalaksha, Retired Railway Trollyman, Nadukar House, Kalnad Village, Kasaragod District-671217

Copy to: Secretary, Railway Board, Rail Bhawan, New Delhi

(M.P.Singh)
Director (PP)